

Adult Protective Services Modernization Project
FUTURE STEPS AND ACTION PLAN
STATUS REPORT TO DHFS SECRETARY PHYLLIS DUBÉ
January 2002

TASK A: Prepare APS Modernization Project's recommendations for suggested statutory, administrative rule, or program policy language, as appropriate.

Proposed Individuals Responsible: Linda Dawson, Jane Raymond, Betsy Abramson and other Workgroup members as assigned.

Action Steps and Timeline: Group will begin work by 9/1/01 and prepare a report with recommendations and draft language by 1/31/01

JANUARY 2002 UPDATE – Project staff is waiting to ensure that interested stakeholders have had an opportunity for feedback* before proceeding with this task. However, Project co-chairs Dawson and Raymond met with Chuck Wilhelm and Fredi Bove of OSF to discuss potential areas to be addressed in the 2003-2005 biennial budget process.

**See list of Dissemination/Distribution efforts attached to this Status Report (Appendix A). [See also "Summary of Feedback Received in Response to Wisconsin DHFS Adult Protective Services Modernization Project Report – Feedback received by January 31, 2002.]*

TASK B: Incorporate APS Modernization Project's recommendations into State Bar Elder Law Section's Guardianship Reform Proposal.

Proposed Individuals Responsible: Jane Raymond, Betsy Abramson, Roy Froemming and Todd Liebman.

Action Steps and Timeline: Elder Law Section will meet late September and identify members to work with APS Modernization Project members. Agreed-upon changes are anticipated by 12/31/01.

JANUARY 2002 UPDATE – Project staff have met with key leadership of the State Bar of Wisconsin's Elder Law Section and have reached agreement on most of the APS Modernization Project's suggestions. Consultant Betsy Abramson, per the request of the Elder Law Section and the LRB drafter, is now preparing the combined recommendations for drafting.

TASK C: Prepare proposal for revising Durable Power of Attorney for Finances.

Proposed Individuals Responsible: Jane Raymond, Betsy Abramson, Ellen Henningsen, Bill Hanrahan

Action Steps and Timeline: Abramson will prepare proposal of agreed-upon reforms for review by key members of Elder Law Section, APS workers, prosecutors, elderly advocacy groups, and others as appropriate. The Coalition of Wisconsin Aging Groups (CWAG) will work with interested legislators to request drafting and to seek co-sponsors for legislation. Prepare proposal by 9/30/01. CWAG seeks lead sponsor in legislature by 10/15/01. CWAG seeks co-sponsors by 11/30/01.

JANUARY 2002 UPDATE – The group, as described above, met and agreed to a set of recommendations. Abramson prepared the draft proposal, which was reviewed by the Coalition of Wisconsin Aging Groups and submitted to an interested legislator this month.

Update as of March 2002: CWAG's Elder Law Center, along with Elder Law Consultant Betsy Abramson submitted a comprehensive proposal to Representative Jeff Plale for legislative action to safeguard Powers of Attorney for finances. The proposal is currently being drafted into a bill with hopes that it will be introduced in early 2003.

TASK D: Monitor legislative proposal for reform of domestic abuse temporary restraining order and injunction.

Proposed Individuals Responsible: Patti Seger, Jane Raymond and Betsy Abramson

Action Steps and Timeline: Abramson will assist the Wisconsin Coalition Against Domestic Violence (WCADV) in seeking co-sponsors and preparing testimony for legislative committee hearings to pass legislative proposal to: (1) add a “caregiver” as a domestic relationship, regardless of whether the caregiver lives with the victim; (2) adding financial exploitation as a definition of abusive conduct; and (3) permitting a guardian to petition for a temporary restraining order on behalf of an incompetent adult. Raymond will monitor hearings, as appropriate. Co-sponsors sought by 10/31/01. Hearings, as scheduled.

JANUARY 2002 UPDATE – WCADV was successful in having drafted a bill that is to be introduced this month. While it does not include financial exploitation as a definition of abusive conduct (considered too controversial), it adds “caregiver” as a domestic relationship and permits a guardian to petition for a temporary restraining order on behalf of an incompetent adult.

Update as of March 2002: While Senate Bill 438 (Domestic abuse restraining orders) did pass in the Senate, it was not taken up by the Assembly prior to the legislative session ending. It is believed that the legislation will be included in the Senate Budget Repair bill currently under discussion.

TASK E: Compile an “APS Best Practices Compendium.”

Proposed Individuals Responsible: Betsy Abramson

Action Steps and Timeline: Abramson will review collected information from elder abuse, law enforcement and APS journals and national listservs regarding model protocols, pilot programs and other innovations and procedures. Abramson will organize the information into categories and prepare an index. Work will begin November 1, 2001 and be completed by March 31, 2002.

JANUARY 2002 UPDATE – This information is being compiled and will be classified by substantive issue, skill, professionals affected, etc. Project is on task for March 31, 2002 completion.

TASK F: Continue the Wisconsin Adult Protective Services and Elder Abuse Listserv.

Proposed Individual Responsible: Betsy Abramson

Action Steps and Timeline: Abramson will continue to advertise the Listserv’s availability, add interested individuals to it, monitor the discussions and compile information on its membership and queries. On-going.

JANUARY 2002 UPDATE – The Wisconsin listserv has over 180 members from a wide range of disciplines and is being actively used by listserv members to share information and seek answers to APS/elder abuse questions.

TASK G: Address the transition needs of youth with disabilities transferring into the modernized adult system.

Proposed Individuals Responsible: Betsy Abramson , Roy Froemming, Jane Raymond, Linda Dawson, Dan Zimmerman and staff from DHFS/Division of Children and Family Services

Action Steps and Timeline: The assigned staff will meet with representatives of school systems, the youth disability systems and advocates to analyze current system serving youth with disabilities and issues warranting specific statutory, administrative or department policy provision changes to address transition issues. Report to be completed by January 31, 2002.

JANUARY 2002 UPDATE – A group, comprised of Michael Linak (DHFS\DCTF\AO), Howard Mandeville (WCDD), Smith Carlson (OLC), Roy Froemming (advocate for people with developmental disabilities), Mitch Hagopian (WCA), Dan Zimmerman (BCMH), Jane Raymond and Betsy Abramson met and developed a set of recommendations. The report was completed and is attached to this Update as Appendix B.

TASK H: Address issues of individuals with substance abuse addictions, especially the “revolving door” client.

Proposed Individuals Responsible: Susan Endres, Jane Raymond, Linda Dawson, Dianne Greenley

Action Steps and Timeline: (NOTE: Susan Endres, DHFS/DSL/Bureau of Substance Abuse Services, was an integral member of the Workgroup. The group had earlier identified the need to address the “revolving door” AODA clients but did not later have the opportunity for a focused discussion about those issues.) A sub-committee will be appointed to address providing services for the “revolving door” AODA clients within the proposed modernized APS system. The group will develop any needed proposals, including any statutory or administrative code language, department policy guidelines, training needs, etc. Report to be completed by February 28, 2002.

JANUARY 2002 UPDATE – Sub-committee comprised of Susan Endres (BSAS), Jane Raymond, Linda Dawson, Smith Carlson (OLC), and Mary Beth Plane, Ph.D. (UW Medical School, Department of Family Medicine) have met regularly since November 2001. A report that will address suggested statutory language, department guidelines concerning integrated community service delivery, AODA treatment (including detox), and training needs will be issued by February 28, 2002.

Update as of March 2008: The report is now scheduled for release as of June 3, 2002.

TASK I: Clearly define “physical and mental disabilities” as used in the definition of “Who is Reportable?”

Proposed Individuals Responsible: Betsy Abramson, Jane Raymond, Linda Dawson, Roy Froemming, Desiree Morris

Action Steps and Timeline: The Workgroup’s proposed definition of “Who is Reportable?” includes individuals who have experienced, are currently experiencing or are at risk of experiencing abuse or neglect and either: (a) have a *physical or mental condition* that substantially impairs their ability to care for their needs OR (b) are age 60 or older. The Workgroup recognized the need to further define “physical or mental condition” for purposes of this definition. A small sub-committee will look to current definitions in Wisconsin statutes and administrative code as well as the Americans with Disabilities Act, in formulating specific language for this definition. Definitions to be completed by December 31, 2001.

JANUARY 2002 – After further discussion with experts in disability, long-term care and APS issues, staff has determined that no further definitions are needed because the phrase “physical or mental condition” is already qualified by “that substantially impairs their ability to care for their needs.” This is consistent with other disability laws (e.g., the federal Americans with Disabilities Act, Wis. Stats. Ch. 55 and others).

TASK J: Identify and analyze how the APS Modernization Project’s recommendations may or will impact Wisconsin’s tribal nations.

Proposed Individuals Responsible: Betsy Abramson, Linda Dawson, Jane Raymond, a county APS representative (from a county where a Wisconsin-based tribal nation is located), a county corporation counsel (same), a Judicare attorney, tribal nation attorney, a DHFS/OSF Assistant Area Administrator for Adult Services and social workers.

Action Steps and Timeline: This sub-committee will be convened and asked to address long-standing questions about the authority and responsibility of tribal courts as compared to county circuit courts in the area of adult protective services. Issues will be sensitively explored to ensure that tribal nations’ sovereign authority is being respected and that the APS needs of its members are being addressed. A policy paper, recommending statutory changes, policy guidelines and/or Memoranda of Understanding between county courts and APS units and the tribal nations will be issued. This work will be completed by April 30, 2002.

JANUARY 2002 UPDATE – Questions regarding tribal sovereignty and jurisdiction have been researched by project staff. Currently, staff is working with tribal affairs experts to select the best forum for continued discussion with the tribes to ensure that their specific needs in terms of APS services are met. A policy paper including background information, commonly asked questions and final recommendations for agreements with tribes will be drafted.

TASK K: Develop model protocols/best practice for County-based Interdisciplinary Teams

Proposed Individuals Responsible: Betsy Abramson, Jane Raymond, staffs from WCADV and representative county agencies already operating an elder abuse interdisciplinary team

Action Steps and Timeline: - While many Wisconsin counties have interdisciplinary teams (I-teams) that address elder abuse issues, some teams are designed for case consultation and problem solving while others focus exclusively on systems issues. During calendar year 2002, Abramson (with consultation from others identified above) will provide technical assistance for I-team start-up and on- going operation, assisting counties in conducting a needs assessment, developing a range of services for adults at risk, enhancing law enforcement efforts and advising on best practices to build capacity. Abramson will also help develop protocol for establishing who should serve as the lead agency for a community’s I-team.

JANUARY 2002 UPDATE – As a result of the 2001-2003 Biennial Budget appropriation, the largest ever since Wisconsin’s elder abuse law was enacted in 1985, the Department released a numbered memo (DSL Memo Series 2001 – 25/Action “ELDER ABUSE SERVICE FUNDS FOR CY 2002”) requiring all counties to develop an Interdisciplinary Team (I-Team) by September 30, 2002. Consultant Abramson is currently drafting an I-Team Manual and preparing for counties a training program specific to I-Team operation. On January 22, 2002, BALTCR sent a memo to the lead elder abuse agencies informing them of the availability of the manual (one camera-ready copy to be provided to each county by the end of February 2002) and the training program. Additional support for I-Teams is also being planned, including a separate listserv, profiling of successful I-Team activities, newsletter articles and others.

Update as of March 2002: I-team manual distributed to counties on February 25, 2002. Consultant Abramson currently has scheduled 14 trainings on operation of an effective county I-team. She will begin the trainings the end of April, with trainings occurring throughout May, June and July, 2002.

TASK L: Continue APS Modernization Newsletter

Proposed Individuals Responsible: Jane Raymond and Linda Dawson. Abramson as assigned.

Action Steps and Timeline: Continue to produce a newsletter updating readers on the developments in the APS Modernization effort.

JANUARY 2002 UPDATE – A newsletter has not been published since July 2001. However we are planning to release an issue that is devoted to (1) “Feedback” on the APS Modernization Project and (2) update on tasks completed to date once Secretary Dubé approves the recommendations at the February 15, 2002 meeting scheduled with Project Co-chairs Dawson and Raymond.

TASK M: Keep current the APS Modernization Website (www.dhfs.state.wi.us/APS).

Proposed Individuals Responsible: Linda Dawson and Patty Lynch

Action Steps and Timeline: Staff will continue to keep the website current by adding minutes of meetings, developments (e.g., progress on all tasks identified here) and relevant written products. On-going.

JANUARY 2002 UPDATE – Website has been maintained. Once this January 2002 Update has been approved it will be posted to the website as will the full response by DHFS staff to the “Feedback” received (again, once approved by Secretary Dubé).

TASK N: Address specific needs of people with dementia in APS Modernization effort.

Proposed Individuals Responsible: Jane Raymond, Betsy Abramson, Cathy Kehoe, Janice Smith and Sharon Beall

Action Steps and Timeline: Staff will work with outside public and private advocates and service providers for people with Alzheimer's and other dementias to design and create a pilot dementia response team. These teams will respond to emergency behavioral issues in the community, recommend improvements specific to individuals with dementia around APS options and guardianship reform and implement a new model for intervention when dementia is a factor in elder abuse. Phase One will begin by August 1, 2001.

JANUARY 2002 UPDATE – A survey of counties currently operating dementia response teams is being conducted by BALTCR staff Cathy Kehoe. This information will be compiled and serve as a basis for further activity in this area. BALTCR will use carry-over funds from its “Administration on Aging Alzheimer's Disease Demonstration Grant (2000-2003)” to hire a consultant to prepare background papers and coordinate a summit of experts. A proposal has been submitted to the Helen Bader Foundation to sponsor the summit and pilot dementia response teams in several counties. The experts will assist in the development of Dementia Response Team protocols, intervention and training for local pilot projects. If funded by the Helen Bader Foundation, select counties will begin to pilot the dementia response teams in fall 2002.

Update as of March 2002: A “Dementia and Aggressive/Abusive Behavior Summit” is being convened on June 4 and 5, 2002, at the Edgewater Hotel in Madison, Wisconsin to explore dementia and its relationship with aggression, abuse, sexual assault and post traumatic stress disorder. At the Summit, national experts will join state specialists in grappling with these complex issues, and, develop strategies to improve interventions and enhance the outcomes for persons with dementia. The results of Summit deliberations will assist BALTCR in developing protocols that enhance local assessments, interventions and collaborations when these circumstances occur.

TASK O: Continue to work with the Wisconsin Coalition Against Domestic Violence (WCADV) and the Wisconsin Coalition Against Sexual Assault (WCASA) on resident-to-resident and family/visitor sexual assault and violence.

Proposed Individuals Responsible: Susan Schroeder, Tiffany Lodholz, Patti Seger, Jane Raymond, Linda Dawson and Bill Hanrahan.

Action Steps and Timeline: Continue to refine, develop strategies and begin implementation of the recommendations of the two Coalitions' joint report on issues concerning resident-to-resident and family/visitor/acquaintance sexual assault/abuse and domestic violence against residents of nursing homes, adult family homes, residential care apartment complexes, community-based residential facilities and hospitals. First phase completed by July 2002.

JANUARY 2002 UPDATE – In February 2002, a training about sexual assault and domestic violence will be provided to select DHFS investigative and survey staff and Board on Aging and Long Term Care ombudsmen. The training has been organized by Linda Dawson and is intended to provide needed information and skills for staff who are responsible for responding to or investigating allegations of caregiver misconduct (abuse, neglect) or sexual assault and abuse of residents by others within regulated facilities.

In addition, a workgroup comprised of 21 individuals (see Appendix C for a list of members) with Dawson and Raymond serving as co-chairs was convened in November 2001. The purpose of the workgroup is to develop a training plan for the Long Term Care Industry and Adult Protective Services Programs (including elder abuse agencies) about sexual assault and domestic violence. The goal is to design a training program for Fall, 2002 that will provide needed information, skills and resources for staff of Wisconsin nursing homes, community-based residential facilities, adult family homes, and residential care apartment complexes who are responsible for responding to or investigating allegations of abuse or neglect, including sexual assault and physical violence of residents by others (such as family members, visitors) within those facilities.

Update as of March 2002: WCASA submitted a two-year proposal to the Violence Against Women Office (VAWO) requesting nearly \$300,000 under VAWO's "Training Grants to Stop Abuse and Sexual Assault Against Older Individuals or Individuals with Disabilities." If funded, the project will (a) Improve Wisconsin's capacity for increased victim-safety among older sexually assaulted and abused individuals in the community and long-term care facilities; (b) Improve relationships and collaborations between law enforcement, prosecutors, victim-witness staff, sexual assault (SA) and domestic violence (DV) advocates, and county adult protective services and elder abuse staff; (c) Improve the operation of county-based Elder Abuse Interdisciplinary Teams and SA/DV Coordinated Community Response Teams, recognizing the critical role of advocates on both to minimize re-victimization and the educational value of cross-training; and (d) Increase successful prosecutions of individuals who sexually assault and/or abuse older people both in the community and long-term care facilities. While the project would be led by WCASA, a major partner would be the Wisconsin Coalition Against Domestic Violence. In addition, other partners would include the Wisconsin Association of Area Agencies on Aging, Wisconsin Department of Administration's Office of Justice Assistance and the Wisconsin Department of Justice's Office of Crime Victim Services.

TASK P: Clarify Guardian Authority for Psychiatric Admissions
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Proposed Individuals Responsible: Betsy Abramson, Ellen Henningsen and Dianne Greenley

Action Steps and Timeline: Work with interested legislators in sponsoring and passing a legislative proposal to address the constitutional problems identified in the 1985 *Watts* decision addressing protective placements and permit guardians, under certain specified circumstances, to admit their wards to psychiatric hospitals for evaluation. Timing is dependent on the legislative calendar.

JANUARY 2002 UPDATE – An LRB draft has been prepared. The above-named individuals, and other experts from the Department including Dan Zimmerman (BCMh), Paul Harris (OLC), and a BDDS representative (yet to be determined) as well as the drafter from the LRB (Debora Kennedy) will be meeting within the next month to analyze the draft to ensure it is consistent with the APS Modernization Project goals. Future meetings will include the individuals from the first meeting as well as a representative of the Wisconsin County Corporation Councils, Attorney Brian Purtell (Wisconsin Health Care Association), Bill Donaldson (BOALTC) and other relevant agencies and organizations.

TASK Q: Clarify Guardians' Authority to Consent to Psychotropic Medications for Wards

Proposed Individuals Responsible: Betsy Abramson, Ellen Henningsen and Dianne Greenley

Action Steps and Timeline: Work with interested legislators in sponsoring and passing a legislative proposal to permit guardians, under certain prescribed situations, to consent to psychotropic medications for non-protesting wards. Timing is dependent on the legislative calendar.

JANUARY 2002 UPDATE – An LRB draft has been prepared. The above-named individuals, and other experts from the Department including Dan Zimmerman (BCMh), Paul Harris (OLC) and a BDDS representative (yet to be determined) as well as the drafter from the LRB (Debora Kennedy) will be meeting in February to analyze the draft to ensure it is consistent with the APS Modernization Project goals. Future meetings will include the individuals from the first meeting as well as a representative from the Wisconsin County Corporation Councils, Attorney Brian Purtell (Wisconsin Health Care Association), Bill Donaldson (BOALTC) and other relevant agencies and organizations.

TASK R: Monitor Judicial Council effort to require minimum training requirements for Guardians ad Litem for adults.

Proposed Individuals Responsible: Betsy Abramson, Ellen Henningsen and Dianne Greenley

Action Steps and Timeline: Continue to request that the Judicial Council take action to recommend that the Supreme Court take action to require a minimum of 30 hours of specialized education related to the role of the GAL in cases of adult guardianship, protective services and mental commitments, comparable to the requirements for GALs of children.

JANUARY 2002 UPDATE – A proposal was submitted to the Wisconsin Judicial Council, which has the authority to petition the Wisconsin Supreme Court about attorney requirements in certain areas of practice. Correspondence received this month from the Council indicates it

expects to address the proposal to require training for GALs in cases of adult guardianship, protective services and mental commitments at its March or April 2002 meeting.

Update as of March 2002: The Council has stated it will address the issue at either its April or May 2002 meeting.

TASK S: Prepare a fiscal analysis to estimate costs and develop funding proposals for proposed APS Modernization Project reforms.

Proposed Individuals Responsible: Scott Riedasch, Jane Raymond and Linda Dawson

Action Steps and Timeline: Identify items in the proposed reform that might cost the state, counties, courts, providers or others additional funds. Identify items where reforms might reduce expenditures. Propose funding sources, considering Community Aids, Medicaid, Family Care and Elder Abuse appropriations. Prepare a fiscal addendum to provide a detailed cost estimate of the APS-related changes described in this Report. Analysis to be completed by June 30, 2002.

JANUARY 2002 UPDATE – Jane Raymond and Linda Dawson are scheduled to meet the end of this month with Erin Warner, OSF to begin discussions concerning funding this initiative. In addition, material from Minnesota is being gathered on how to potentially access Medicaid funds to cover APS investigations/case management.

Update as of March 2002: Preliminary conversations have been held with Erin and she is now in the beginning stage of researching possible ideas.

In addition to the items addressed in “Future Steps and Action Plan,” the following related activities have been undertaken since August 2001:

1. **2001 Elder Abuse and Adult Protective Services Conference** – This conference, with over 400 participants, was held in Oconomowoc, Wisconsin from September 11-13, 2001. Despite the horrific events that happened the morning of September 11 and the resulting national speaker cancellations, the conference continued on. There were three plenary sessions and 21 different workshops as well as a final luncheon session that featured an address by Sue Ann Thompson, President of the Wisconsin Women’s Health Foundation, Inc. Participant evaluations reflected tremendous gains in knowledge on both elder abuse and adult protective services issues.
2. **Elder Abuse Direct Service Funding Initiative** – In the largest appropriation since the creation of Wisconsin’s Elder Abuse law, the Wisconsin 2001-2003 Biennial Budget, signed into law by Governor McCallum made available a total of \$2.125 million to expand services to victims of elder abuse, neglect and exploitation. Through the DSL Numbered Memo 2002-25/ACTION “ELDER ABUSE SERVICE FUNDS FOR CY 2002”, dated November 1, 2001, counties have been notified of the new award amounts and directed to prepare a budget and plan for the funds. In that same numbered memo, counties were informed of the Department’s directive regarding the development of Interdisciplinary Teams (*See TASK K., above*) as well as requiring evidence of ongoing collaboration with domestic abuse programs to ensure comprehensive services for victims of domestic violence in later life.
3. **Wisconsin Lawyer magazine article on Goldie H.** – In a decision dated July 10, 2001, the Wisconsin Supreme Court issued an important decision requiring on-the-record hearings in every annual *Watts* review. *In the Matter of the Guardianship and Protective Placement of Goldie H.: County of Dunn, v. Goldie H.*, 2001 WI 102 (2001). There has been a great deal of confusion – and some controversy – from counties and private attorneys since the release of this opinion. Attorneys Dianne Greenley (Wisconsin Coalition for Advocacy) and Betsy Abramson (private consultant) have been asked by the State Bar of Wisconsin to write an article for an upcoming issue of the Bar’s monthly professional journal, *Wisconsin Lawyer*, explaining the decision.
4. **Representation at “WINGSPAN: The Second National Guardianship Conference”** – As a follow-up to the 1988 Wingspread Conference on Guardianship Reform held in Racine, Wisconsin, the following organizations convened a national conference on the status of guardianship reform nationwide: the American Bar Association’s Commission on Legal Problems of the Elderly, Stetson University College of Law, the National Academy of Elder Law Attorneys, the Borchard Center for Law and Aging, the American Bar Association Real Property, Probate & Trust Section, the National Guardianship Association, and the National College of Probate Judges. DHFS Consultant Attorney Betsy Abramson represented Wisconsin at the conference, held November 30-December 1, 2001.

5. **SB 257 – Petitioner’s Attorney Fees in Guardianship Cases** – Staff has been monitoring the efforts of the legislature related to a small problem with the original legislation that authorized the payment of petitioner’s attorney’s fees in guardianship cases from an adjudicated ward’s estate. This bill would correct the problem from the previous legislation that precluded the awarding of attorney’s fees from the ward’s estate if there existed a previously-executed power of attorney, rather than, as the original bill had proposed, making this just one factor for consideration. Legislation was drafted and introduced and is now pending before the Wisconsin legislature.
6. **National Policy Summit on Elder Abuse** held in Washington, D.C. from December 4-6, 2001. Jane Raymond, Project Co-Chair, was one of 70 professionals that attended the invitation-only policy summit convened to give direction to the National Center on Elder Abuse.

APPENDIX A

APS MODERNIZATION PROJECT DISSEMINATION EFFORTS TO DATE

1. Topic of plenary session held at “The 2001 Elder Abuse & Adult Protective Services Conference” on September 13, 2001
2. Posted to the Wisconsin APS & Elder Abuse Listserv – September 2001
3. Presented relevant portions (mandatory reporting) to State Medical Society of Wisconsin, September and November, 2001
4. Presented relevant portions (mandatory reporting) to State Bar of Wisconsin’s Elder Law Section, October 26, 2001
5. Article in the National Center on Elder Abuse newsletter, September 2001
6. Article in *Victimization of the Elderly and Disabled* journal, in press.
7. Presentation to DHFS Office of Strategic Finance Area Administrators and Assistant Area Administrators for Adult Services, September 26, 2001
8. Workshop presentation at the Wisconsin County Human Services Association (WCHSA) Winter Conference, December 2001
9. Melanie Foxcroft (BALTCR) provided materials to and Jack Schad (WCHSA representative) made a presentation on the APS Modernization Project to the Wisconsin Personal Services Association meeting held in Fall, 2001
10. Article in *Wisconsin Guardianship Support Center News*, 3rd quarter, 2001, produced by the Coalition of Wisconsin Aging Groups – Elder Law Center
11. Racine and Dane County Sheriffs – sent a letter detailing the project as well as a full copy of the report
12. Wisconsin District Attorneys Association – sent a letter detailing the project as well as a full copy of the report
13. Wisconsin Guardianship Association – sent a letter detailing the project as well as a full copy of the report
14. Wisconsin Association of Corporation Counsels – sent a letter detailing the project
15. National Association of Social Workers – Wisconsin Chapter – sent a letter detailing the project as well as a full copy of the report
16. Milwaukee County Court Commissioner Rosemary Thornton – sent a letter detailing the project as well as a full copy of the report
17. Workshop presentation on the project is scheduled for the June 2002 Wisconsin Social Services Association (WSSA) Conference
18. State Coalition on Mental Health, Substance Abuse and Aging – distributed copies of the full report. Contact person: Catherine Swanson-Hayes

List compiled as of
February 8, 2002

**Transition Issues for Younger People with Disabilities Moving into Adult System
Notes from 10/31/01 Meeting**

Present: Michael Linak, Howard Mandeville, Smith Carlson, Roy Froemming, Mitch Hagopian, Dan Zimmerman, Jane Raymond, Betsy Abramson

A. General Discussion and Identification of Problems

- (1) These issues arise at schools, but keep in mind that schools are about *closing* doors and county services are about *opening* doors.
- (2) Individualized Education Plans (IEPs) may be a good vehicle to make this happen.
- (3) We shouldn't bank too much on the schools, but *hope* that they would start with decision-making, and make it person-centered. Also keep in mind that there are BIG differences between school districts – and even between schools *in* a district.
- (4) Generally, counties are involved with people with developmental disabilities before school starts – and after age 18 – but not in between. (Counties do get involved with some children, such as kids who have a severe emotional disturbance (SED) and are enrolled in an integrated service program (ISP).
- (5) We want to create an overlap, not just fill a separate gap.
- (6) Note that sec. 55.06(1). Stats., already allows for protective placement of kids with DD at age 14, and allows placement petitions six months before they turn 18..
- (7) We really need to give courts jurisdiction before age 18 (for more than placements), so there doesn't have to be a crisis.
- (8) Guardianship should be seen as a method to protect individuals' rights, not a panacea to be "protected from abuse."
- (9) Contrary to what is thought, there is generally NOT communication between schools and counties for transition. (Exception: counties do get involved with some kids, such as those who have a severe emotional disturbance (SED) and are enrolled in an integrated service program (ISP).
- (10) Need to think about funding: where does it come from? DPI? Or DHFS? Is this part of the "performance-based contracting"? Query: Is there adequate funding to support the desired outcomes?
- (11) When the system works well, counties get involved earlier, review reports, may even show up and at least show up for the last year of the planning/participating and then the state tells the counties whether they'll pay for it.
- (12) Remember that parents are the biggest advocates – not the schools who are generally eager to close the door.

B. Suggested Initiatives

1. Require that the IEP (Individualized Education Plan) expand into this area – i.e., more comprehensively address the transition.
2. State prepare a brochure "so your special needs child is about to become 18..." explaining how this will affect legal status, potential need to get guardianship, what guardianship involves and resources to get started. Schools required to distribute at earlier point (age 17?)
3. County should be required to be involved in the school-initiated transition plan. And it needs to be individualized. It doesn't have to be a lifetime plan, but it also shouldn't be about just putting them into existing county programs.
4. Amend the guardianship statute to allow courts to have jurisdiction six months before a child with a disability turns 18.
5. Amend the guardianship statute to require that guardians ad litem review IEPs as part of their duties in guardianships of kids transitioning from schools.

6. Consider changing guardianship statute to require that before a court can order guardianship of an individual transitioning from the schools, etc., there must be a special evaluation that meets certain standards and/or be done by a person with certain credentials or training.¹
7. Amend the guardianship statute to provide an expedited/simplified procedure to *reinstate/transfer BACK* certain rights of wards if the ward demonstrates the he or she can provide informed consent for specified treatment decisions.
8. Offer families/almost-18-year-old-with-disability a state-funded individualized person-centered plan. (i.e., offered rather than mandatory). Then have DHFS/DPI require a certain format, certain required training. Possible funding through MA card services as case management?
9. Infuse Roy's "person-centered decision-making" model into the system by:
 - a. Providing counties, providers, guardians, parents, schools, others, with low or no-cost training
 - b. Require this training in wrap-around or ISP (Integrated Service Program).² (Pilot the training in the 26 counties where the ISP exists, with a pre- and post-test.)
 - c. Trainings conducted jointly by DPI and DHFS
 - d. Cooperative Educational Service Agencies (CESAs) provide training and resources (e.g., professionals to help with or do assessments) for local school districts. Thus, it's important that CESAs are involved in training development (and possibly training delivery) for school districts and their own staff.
 - e. Develop a "train the trainers" model.
 - f. Note: Group preferred a "Best Practice Standard" over a requirement, because, if they don't want to change their attitude, they're not going to.

C. Follow-Up

1. Talk to Scott Riedasch, DHFS, about possible funding under MA card services case management for the assessment/plan.
2. Talk to Paul Halverson at DPI, with Special Education, about the IEP or the brochure for parents.
3. Talk to Heidi Rossiter, Dane County Family Support Plan regarding turning the plan into an IFSP, which provides funding to reimburse for services that were approved under the plan.
4. Small grant for the brochure
5. Add our suggestions for guardianship reform to the guardianship reform train that is already moving.

Betsy Abramson
11/28/01

¹ Roy had mentioned the Ontario Canada model and dropped off for me "Guidelines for Conducting Assessments of Capacity" prepared by the Office of the Guardian and Trustee, Ontario Ministry of the Attorney General, June 7, 1996.

² This has a funding stream, is focused on transition cases but only exists in 26 counties. They are done by the county or county-contracted agencies and only for kids with severe emotional disabilities.

**DV/SA Training Advisory Committee
Industry Training List
Compiled as of January 14, 2002**

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